

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

National Association for the
Advancement of Colored People,
et al

Plaintiffs

vs.

Case No. 3:23-cv-272-HTW-LGI

Tate Reeves, in his official capacity
as Governor of the State of Mississippi;
et al

Defendants

Response to Motion for Voluntary Dismissal

Comes now, Michael K. Randolph, in his official capacity as Chief Justice of the Mississippi Supreme Court, (Herein, “the Chief Justice”), and files this Response to Plaintiffs’ Motion for Voluntary Dismissal (Doc. 174):

On June 1, 2023, the Court granted the Chief Justice’s Fed. R. Civ. P. 12(b)(6) Motion to Dismiss on the basis of Judicial Immunity. (Doc. 45). Protracted motion practice concerning the Court’s June 1st Order ensued. On December 20, 2023, the Court entered an Order, “The Court does and hereby orders that the Defendant, Chief Justice Michael K. Randolph, be, and hereby is, dismissed with prejudice for all purposes.” (Exhibit 1, Doc. 126).

As a dismissed party, the Chief Justice’s consent, joinder, or inclusion in any stipulation of dismissal is of no consequence. The Chief Justice’s stipulation or agreement with Plaintiffs’ Rule 41 Dismissal is not required.

The Chief Justice has no objection to the Plaintiffs' voluntary dismissal. The Chief Justice objects only to the extent that his consent or agreement to such a stipulation would contradict the Order(s) of this Court.

For these reasons, the Chief Justice requests that the Court enter an Order, dismissing the Plaintiffs' action against all *parties* pursuant to Fed. R. Civ. P. 41(2), "on terms that the court considers proper."

Respectfully submitted, this the 3rd day of December, 2024.

Respectfully submitted,

Michael K. Randolph, in his
official capacity as Chief Justice
of the Mississippi Supreme Court

By: /s/ Mark A. Nelson
Mark A. Nelson, MB #3808

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Certificate of Service

I, Mark A. Nelson, hereby certify that on this the 3rd day of December, 2024, I electronically filed the foregoing with Clerk of the Court using the ECF system which will provide notice to all counsel of record.

/s/ Mark A. Nelson

Mark A. Nelson